

Waikane Valley Restoration Advisory Board (RAB) Charter

US Marine Corps Munitions Response Activities Waikane Valley, Hawaii

I. Mission Statement:

The mission of the RAB is to establish and maintain open and interactive dialogue between the US Marine Corps, state and federal regulatory agencies, and the local community concerning the Munitions Response Program in Waikane Valley Hawaii.

II. General Functions and Responsibilities of the RAB:

A. The RAB's purpose is to establish and maintain a forum among the Marine Corps, the regulatory agencies, and the community for exchanging information about the environmental restoration of Waikane Valley.

B. The Marine Corps will consider all advice provided by the RAB, whether offered as a consensus or by individual members, including minority views of individual RAB members.

C. The RAB represents stakeholder groups, including:

- Local residents, broadly representing the different community sectors from local communities.
- The government agencies with a supervising role in the cleanup process – U.S. Environmental Protection Agency (EPA) Region 9 and Hawaii Department of Health (DOH) Hazard Evaluation and Emergency Response Office.
- The Navy/Marine Corps as the responsible party and the party accountable for the environmental restoration of the areas affected by military activities.

D. In addition to RAB membership, which is voluntary, the government agencies have specific roles that are defined by applicable laws and regulations. These regulations allow for technical support staff from state, federal and local agencies that have involvement with the Waikane Valley Munitions Response Program to attend RAB meetings and provide explanations to RAB members and technical information in their areas of expertise.

E. The RAB will have between ten and twenty registered local community members, primarily residents from surrounding communities who are committed to facilitating progress in the munitions response process. Marine Corps Base Hawaii considers membership of ten or more active members indicative of “sufficient and sustained interest” as defined by the DoD RAB Rule.

1. Community RAB membership terms are for two years and are renewable based on a majority vote of the community RAB members. Public explanation of votes against membership renewal will be required. Membership records will be reviewed at the end of each meeting. Membership will be voted on for each RAB member whose term will expire before the next scheduled RAB meeting. If a scheduled RAB meeting is postponed and causes a membership vote to be missed, any expiring memberships will be extended and a vote made at the first available opportunity.

2. The RAB will be Co-Chaired by a representative appointed by Marine Corps Base Hawaii and a community member elected by the RAB community members.

a. The Community Co-Chair will be elected by a majority of the RAB community members. The Community Co-Chair will serve a two-year term, and may serve more than one term if re-elected by a majority of the community RAB members.

b. The Community Co-Chair may be removed as Co-Chair if it is determined that the Co-Chair is unable to perform required duties for the RAB. Community Co-Chair removal is determined by a majority vote of the community RAB members.

3. RAB community members and community co-chairs serve without compensation.

4. All RAB members are expected to attend all regularly scheduled RAB meetings or to send an alternate if they are not able to attend a meeting.

a. To designate an alternate, the RAB member will notify the Community Co-Chair in advance.

b. In the case that an alternate attends, the alternate has the same rights of participation as the member.

c. The alternate shall not be someone who has been removed as a RAB member.

5. In the case of a community member who does not attend and does not send an alternate in his or her place to two consecutive meetings, the other RAB community members may require the member to resign.

6. Regardless of attendance, a RAB community member can be asked to resign for actions detrimental to the working process. This requires a motion to be made during a RAB meeting by one RAB member, seconding by another RAB member, and a confirming vote by at least 75% of the community RAB members. Detrimental actions could include, for example:

- Consistently unwilling or unable to participate constructively in RAB meetings.
- Conflict of interest (for example, stands to gain monetarily from remediation decisions).

7. When a community member resigns or the RAB decides to expand membership, the vacancies will be filled by requesting applications that will be made available to all interested. In addition, an individual may submit an application to join the RAB at any time.

RAB community members should live and/or work in the community affected by the munitions response work being conducted by the Marine Corps in Waikane Valley. In selecting new members, the RAB should seek to ensure that the overall makeup of the RAB is representative of the affected community as a whole. As an example, the RAB should avoid selecting members solely from one neighborhood if there are candidates for membership from other neighborhoods that are also considered part of the local, affected community.

Community RAB members will vote on prospective members during RAB meetings. RAB members will be notified prior to the meeting that a vote will be taken.

New community RAB members will be selected based on a majority vote of the community RAB members in attendance at the meeting. If there are more candidates for membership than there are openings, the candidate receiving the most votes will be selected. Additional rounds of voting will occur until all vacancies are filled.

III. Detailed responsibilities of the Co-Chairs and other RAB members:

A. Responsibilities of the Community Co-Chair include:

1. Ensuring membership participation in an open and constructive manner.
2. Ensuring that community issues and concerns related to cleanup are fully addressed.
3. Discussing the meeting agenda with the Marine Corps Co-Chair prior to each RAB meeting to ensure that RAB community members' input is considered.
4. Providing review and comment on Draft RAB meeting minutes along with the other RAB community members.
5. Reporting communications with Marine Corps Co-Chair that occur outside of RAB meetings back to the other RAB community members as soon as possible.
6. Assisting in the dissemination of information to the general public.
7. Working with the RAB members to identify areas or topics where Technical Assistance for Public Participation (TAPP) grants would be appropriate. Money is available under the TAPP program for DoD to hire technical support to help RAB members better understand the munitions response program and actions and provide well-informed comments and suggestions to Navy/Marine Corps and local community

members. The primary responsibility for completing the TAPP application lies with the RAB community members and, especially, the Community Co-Chair. The Deputy Under Secretary of Defense for Environmental Security Technical Assistance for Public Participation Handbook contains detailed information on the TAPP program and applying for TAPP grants. The TAPP Handbook will be posted on the MCBH website: <http://www.mcbh.usmc.mil/g4/environ/WaikaneRAB.htm>.

B. Responsibilities of the RAB Marine Corps Co-Chair include (but are not limited to):

1. Ensuring RAB participation in an open and constructive manner.
2. Ensuring that community issues and concerns related to cleanup are fully addressed.
3. Discussing the meeting agenda with the RAB Community Co-Chair prior to each meeting to ensure that community input is considered in developing the agenda.
4. Assisting in the dissemination of information to the general public.
5. Ensuring adequate administrative and logistics support to the RAB, in accordance with the Department of Defense Restoration Advisory Boards Final Rule (71 Federal Register 27610).
6. Providing routine allowable administrative support necessary to establish and operate the RAB, such as:
 - Provision and preparation of meeting facilities
 - Preparation of meeting minutes and other routine word processing tasks
 - Copying/printing of RAB minutes, public notices, status reports, etc.
 - Distribution of public notices in a local newspaper and in public places, such as libraries, schools, government offices, businesses, etc,
 - Distribution of outreach and other RAB materials
 - Meeting facilitation
7. Developing and maintaining attendance records and a mailing list of RAB and other interested parties.
8. Ensuring that the Navy/Marine Corps considers and responds in writing to comments related to environmental restoration activities that are provided in writing during and after RAB meetings. In most cases, RAB meeting minutes will serve as responses to specific comments provided verbally during RAB meetings, but some comments or questions may require additional written responses, which will be determined by the RAB members.
9. Providing relevant policies and guidance documents to enhance operations of the RAB.

10. Maintaining and updating the information repository. Information repositories are located at the Key Project, Kaneohe Public Library and University of Hawaii Hamilton Library.

11. Creating, maintaining and updating a website which includes links to documents for review.

12. Providing information to the RAB regarding the TAPP program, reviewing any TAPP applications for completeness and submitting completed applications for processing.

C. Responsibilities of RAB Navy/Marine Corps Members (and support staff) include:

1. Ensure that the RAB has the opportunity to participate in the environmental restoration process for Waikane Valley.

2. Consider community concerns.

3. Provide Final work plans and Draft Final and Final technical reports related to environmental restoration and munitions response activities in Waikane Valley to the RAB. At least one copy of these documents will be made available to be shared among RAB community members. Additional copies will be provided upon request. CD versions of documents will be made available upon request. Documents will also be posted on the MCBH website: <http://www.mcbh.usmc.mil/g4/environ/WaikaneRAB.htm>.

4. Develop clear and concise Fact Sheets for all Draft Final and Final reports prepared by the Navy/Marine Corps as deliverables to regulators, as well as Proposed Remedial Action Plans (PRAP), No Further Action Proposed Plans, and Records of Decision (ROD). Develop other project summary materials such as newsletters, annual schedules, and RAB status reports to explain project and program status.

a) Provide copies of these Fact Sheets and above-listed public materials to all RAB members in hard copy or electronic copy, depending on each member's preference.

b) If new community persons become members, copies of these Fact Sheets and public materials will be available for them.

5. Provide orientation and training to RAB members when the proposed training is relevant to the environmental restoration activities and mutually beneficial to the operation of the RAB.

6. Refer non-restoration issues to the appropriate official.

7. Report RAB meeting results to responsible DOD component and stakeholders.

D. Responsibilities of RAB Community Members are:

1. Come to RAB meetings informed and participate openly and constructively.
2. Review all documents related to environmental restoration activities in Waikane Valley that have been provided to the RAB for review and provide timely comments to all RAB members.
3. Provide advice and feedback about community concerns at RAB meetings.
4. Communicate with the local community about clean-up issues.

E. Responsibilities of RAB Regulatory Agency Members are:

1. Provide orientation and training to RAB members when such a request is made.
2. Serve as information and referral resource for the community.
3. Review documents and provide written comments to the Navy/Marine Corps in a timely manner. This will allow RAB members access to the comments through the Navy/Marine Corps Information Repository and requests to the Marine Corps.
4. Address Federal and State environmental standards and regulations.
5. Provide comments to the community as soon as possible.

IV. RAB Operating Procedures:

A. The RAB will meet at least twice a year, unless it is agreed by all parties that more frequent meetings are needed.

1. Additional meetings or special focus meetings may be scheduled as the need arises. Certain documents or decisions may require additional RAB meetings, if the timing does not coincide with scheduled RAB meetings. Maximum efforts will be made to hold RAB meetings to discuss documents for which public comment will be sought before the relevant public comment period begins.
2. Conference calls in between RAB meetings may be used to provide information or conduct RAB business as needed, but will not substitute for regular RAB meetings or required public meetings.

B. All RAB meetings are open to the general public. RAB members are encouraged to invite interested non-members to visit and ask questions.

C. The dates and times of RAB meetings will be scheduled by the Co-Chairs and advance notice will be communicated to the remaining RAB members and the community. A reminder will be sent at least 1 week prior to the meeting to all RAB members and interested public that have attended any of the previous meetings.

D. Each meeting will follow an agenda that will be distributed at least 1 week prior to the meeting to the RAB members and interested public that have attended any of the previous meetings.

E. Meetings should be conducted according to the following format:

1. Official RAB members will have a designated seating area to facilitate discussions with the community co-chair and government representatives.
2. The Marine Corps Co-Chair and RAB Community Co-Chair will jointly run the Waikane Valley RAB meetings. The co-chairs will make every effort to keep the presentations moving according to the time allotted in the agenda.
3. The Navy/Marine Corps or the Waikane Valley RAB may recommend the use of a facilitator who is acceptable to all members of the board. The facilitator's role is to guide the RAB through a cooperative communication process to fulfill the agenda as easily as possible. The facilitator has no substantive decision-making authority. The facilitator focuses on the group's communication process rather than the technical content of what is discussed.
4. The Co-Chairs or facilitator will introduce speakers. Most presentations will be given using PowerPoint presentations or some other type of visual aid to assist RAB members. RAB members may ask questions by first raising their hands and being acknowledged by the co-chairs or the facilitator before speaking. It is recommended that, when possible, RAB members hold questions until the end of each presentation. Questions can be asked during the presentations if necessary. RAB presenters may choose to defer questions until a later part of the presentation if that part will provide the answers.
5. All remarks or questions will be made in a courteous manner. Co-chairs and/or the facilitator will provide a warning to anyone exhibiting unacceptable behavior. Anyone continuing to exhibit poor behavior after a warning will be asked to leave the RAB meeting and his/her future membership privileges may be considered by the RAB.
6. Voting or polling the members may facilitate RAB discussions. Such votes are advisory only and not binding on agency decision makers. The Waikane Valley RAB community co-chair will work with RAB members to determine how the group would like to handle proposing and debating recommendations. If group consensus on a recommendation is achieved, then the co-chair will either summarize the group's opinions/position during RAB meetings or submit a written summary to the installation co-chair. Group consensus is not required for RAB input; each member of the RAB may provide advice as an individual.

7. Non-members at the meetings may ask questions related to the agenda item under discussion, but other questions and comments will be held until the Open Discussion part of the meeting that will be included on each agenda.

F. A quorum will consist of a majority of the RAB community members. Any membership issues that require voting will be determined by a simple majority vote of the RAB community members present.

G. Because requirements of the Federal Advisory Committee Act (FACA) do not apply to a RAB, consensus is not a prerequisite for the advice that the RAB provides to the Navy/Marine Corps and regulatory agencies. RAB members should provide advice as individuals, not as a group. All topics discussed and opinions expressed will be noted in the meeting minutes.

H. RAB members will be asked to review and comment on various environmental documents. RAB members should submit their comments in writing to the Navy/Marine Corps within the timeframe specified when documents are provided for comment. For Proposed Remedial Action Plans (PRAP), No Further Action Proposed Plans, and other documents that are subject under CERCLA to required public review, comment periods will be no less than 30 days and may be extended upon request, up to no more than 60 days. The Navy/Marine Corps will prepare formal written responses to substantive written comments regarding the documents received from the RAB, no later than 60 days after receipt of the comments.

I. The above-mentioned procedures for providing advice, submitting comments and responding to comments do not apply to the official comments of regulatory agencies (i.e., DOH) that have specific legal responsibilities under Federal and State laws and regulations. Nonetheless, this exemption in no way precludes the community RAB members from commenting on regulatory positions or comments.

V. Dissolution of the RAB:

A. The Waikane Valley RAB may be terminated if:

- all required remedial actions have been implemented,
- the property is transferred out of DoD control,
- 75% of the members agree in writing to terminate the RAB, or
- there is no longer sufficient, sustained community interest, as determined by MCBH and the RAB, to sustain the RAB.

B. If the RAB is terminated, MCBH will be responsible for reassessing community interest that could warrant reactivation or reestablishing the RAB. The DoD RAB rule recommends reassessing community interest every two years at munitions response program sites that do not have a RAB.

C. If the RAB is terminated, the rationale for termination will be documented in a memorandum in the Administrative Record, and the public will be notified of the decision through written

notice to the RAB members and through publication of a notice in the local newspaper. Information will also be provided about other ongoing public involvement opportunities that are available.

VI. Effective Date and Modification:

The effective date of this charter is the date on which it is approved by a simple majority of the community RAB membership and signed by the RAB members present at that meeting.

This charter may be amended by a simple majority of the community RAB membership. All amendments must be in writing and placed on the meeting agenda for one meeting prior to voting on the amendment.

